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Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources

Report of the Second Committee

Rapporteur: Mr. Azanaw Tadesse **Abreha** (Ethiopia)

I. Introduction

1. At its 2nd plenary meeting, on 17 September 2004, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-ninth session the item entitled "Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources" and to allocate it to the Second Committee.

2. The Second Committee considered the item at its 31st, 32nd, 35th and 36th meetings, on 10, 15, 17 and 24 November. An account of the Committee's discussion of the item is contained in the relevant summary records (A/C.2/59/SR.31, 32, 35 and 36). Attention is also drawn to the general debate held by the Committee at its 2nd to 8th meetings, from 4 to 6 October and on 12 October 2004 (see A/C.2/59/SR.2-8).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Note by the Secretary-General transmitting the report prepared by the Economic and Social Commission for Western Asia on the economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan (A/59/89-E/2004/21);

(b) Letter dated 22 June 2004 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General transmitting the ministerial

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declaration adopted on the occasion of the special ministerial meeting to commemorate the fortieth anniversary of the establishment of the Group of 77, held in São Paulo, Brazil, on 11 and 12 June 2004 (A/59/115);

(c) Relevant chapters of the report of the Economic and Social Council for 2004.[1]

4. At the 31st meeting, on 10 November, the Chief of the Regional Commissions New York Office made an introductory statement (see A/C.2/59/SR.31).

5. At the same meeting, on 10 November, pursuant to section C, paragraph 3 (d), of General Assembly resolution 58/316, the Committee held a dialogue with the representative of the Secretariat, during which comments were made and questions were posed by the representatives of Egypt, the Syrian Arab Republic and Israel, to which the Chief of the Regional Commissions New York Office responded (see A/C.2/59/SR.31).

II. Consideration of draft resolution A/C.2/59/L.41

6. At the 35th meeting, on 17 November, the representative of Egypt, on behalf of Algeria, Bahrain, Comoros, Djibouti, Egypt, Indonesia, Iraq, Jordan, Kuwait, Malaysia, Morocco, Oman, Qatar, Saudi Arabia, Somalia, the Sudan, Tunisia, the United Arab Emirates and Yemen, introduced a draft resolution entitled "Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources" (A/C.2/59/L.41). Subsequently, Brunei Darussalam, Cuba and Senegal joined in sponsoring the draft resolution. The draft resolution read as follows:

"*The General Assembly*,

Recalling its resolution 58/229 of 23 December 2003, and taking note of Economic and Social Council resolution 2004/54 of 23 July 2004,

Recalling also its resolution 58/292 of 6 May 2004,

Reaffirming the principle of the permanent sovereignty of peoples under foreign occupation over their natural resources,

Guided by the principles of the Charter of the United Nations, affirming the inadmissibility of the acquisition of territory by force, and recalling relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 465 (1980) of 1 March 1980 and 497 (1981) of 17 December 1981,

Recalling its resolution 2625 (XXV) of 24 October 1970,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967,

[1] A/59/3 and Add.1; for the final text see *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 3* (A/59/3/Rev.1).

Taking into account the advisory opinion rendered on 9 July 2004 by the International Court of Justice entitled 'Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory',

Expressing its concern at the exploitation by Israel, the occupying Power, of the natural resources of the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967,

Expressing its concern also at the extensive destruction by Israel, the occupying Power, of agricultural land and orchards in the Occupied Palestinian Territory during the recent period, including the uprooting of a vast number of olive trees,

Aware of the detrimental impact of the Israeli settlements on Palestinian and other Arab natural resources, especially as a result of the confiscation of land and the forced diversion of water resources, and of the dire economic and social consequences in this regard,

Aware also of the detrimental impact on Palestinian natural resources being caused by the unlawful construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and of its grave effect on the economic and social conditions of the Palestinian people,

Reaffirming the need for the immediate resumption of negotiations within the Middle East peace process, on the basis of Security Council resolutions 242 (1967), 338 (1973) of 22 October 1973, 425 (1978) of 19 March 1978 and 1397 (2002) of 12 March 2002, the principle of land for peace and the Quartet performance-based road map to a permanent two-State solution to the Israeli-Palestinian conflict, as endorsed by Security Council resolution 1515 (2003) of 19 November 2003, and for the achievement of a final settlement on all tracks,

Recalling the need to end all acts of violence, including acts of terror, provocation, incitement and destruction,

Taking note of the note by the Secretary-General transmitting the report prepared by the Economic and Social Commission for Western Asia on the economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan,

1. *Reaffirms* the inalienable rights of the Palestinian people and the population of the occupied Syrian Golan over their natural resources, including land and water;

2. *Calls upon* Israel, the occupying Power, not to exploit, damage, cause loss or depletion of or endanger the natural resources in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan;

3. *Recognizes* the right of the Palestinian people to claim restitution as a result of any exploitation, damage, loss or depletion, or endangerment of their natural resources, and expresses the hope that this issue will be dealt with in the framework of the final status negotiations between the Palestinian and Israeli sides;

4. *Requests* the Secretary-General to report to it at its sixtieth session on the implementation of the present resolution, and decides to include in the agenda of its sixtieth session the item entitled 'Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources'."

7. At the 36th meeting, on 24 November, the representative of Egypt orally revised the text as follows: the seventh preambular paragraph, which had read:

"*Taking into account* the advisory opinion rendered on 9 July 2004 by the International Court of Justice entitled 'Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory'"

was replaced by:

"*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the 'Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory', and recalling resolution ES-10/15 of 20 July 2004;"

8. At the same meeting, the Committee adopted draft resolution A/C.2/59/L.41, as orally amended, by a recorded vote of 140 to 4, with 8 abstentions (see para. 11). The voting was as follows:

In favour:

Afghanistan, Algeria, Andorra, Angola, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Djibouti, Dominica,[2] Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

[2] The vote of Denmark was incorrectly recorded as the vote of Dominica.

Against:

Israel, Marshall Islands, Micronesia (Federated States of), United States of America.

Abstaining:

Albania, Australia, Cameroon, Côte d'Ivoire, Dominican Republic, Haiti, Tuvalu and Vanuatu.

9. After the adoption of the draft resolution, a statement in explanation of vote was made by the representative of the Netherlands (on behalf of the European Union); the candidate countries Bulgaria, Romania, Turkey and Croatia; the countries of the Stabilization and Association Process and potential candidates Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia and Serbia and Montenegro; the EFTA countries Iceland, Liechtenstein and Norway (see A/C.2/59/SR.36).

10. The representative of Denmark made a statement with regard to her vote. The representatives of Kyrgyzstan and the Republic of Moldova indicated that they had intended to vote in favour of the draft resolution. The representatives of the Niger and the Sudan indicated that had they been present, they would have voted in favour of the draft resolution (see A/C.2/59/SR.36).

III. Recommendation of the Second Committee

11. The Second Committee recommends to the General Assembly the adoption of the following draft resolution:

Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources

"*The General Assembly*,

Recalling its resolution 58/229 of 23 December 2003, and taking note of Economic and Social Council resolution 2004/54 of 23 July 2004,

Recalling also its resolution 58/292 of 6 May 2004,

Reaffirming the principle of the permanent sovereignty of peoples under foreign occupation over their natural resources,

Guided by the principles of the Charter of the United Nations, affirming the inadmissibility of the acquisition of territory by force, and recalling relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 465 (1980) of 1 March 1980 and 497 (1981) of 17 December 1981,

Recalling its resolution 2625 (XXV) of 24 October 1970,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[1] to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the 'Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory',[2] and recalling also its resolution ES-10/15 of 20 July 2004,

Expressing its concern at the exploitation by Israel, the occupying Power, of the natural resources of the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967,

Expressing its concern also at the extensive destruction by Israel, the occupying Power, of agricultural land and orchards in the Occupied Palestinian Territory during the recent period, including the uprooting of a vast number of olive trees,

Aware of the detrimental impact of the Israeli settlements on Palestinian and other Arab natural resources, especially as a result of the confiscation of land and the forced diversion of water resources, and of the dire economic and social consequences in this regard,

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[1] United Nations, *Treaty Series*, vol. 75, No. 973.

[2] A/ES-10/273 and Corr.1.

Aware also of the detrimental impact on Palestinian natural resources being caused by the unlawful construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and of its grave effect on the economic and social conditions of the Palestinian people,

Reaffirming the need for the immediate resumption of negotiations within the Middle East peace process, on the basis of Security Council resolutions 242 (1967), 338 (1973) of 22 October 1973, 425 (1978) of 19 March 1978 and 1397 (2002) of 12 March 2002, the principle of land for peace and the Quartet performance-based road map to a permanent two-State solution to the Israeli-Palestinian conflict,[3] as endorsed by the Security Council in its resolution 1515 (2003) of 19 November 2003, and for the achievement of a final settlement on all tracks,

Recalling the need to end all acts of violence, including acts of terror, provocation, incitement and destruction,

Taking note of the note by the Secretary-General transmitting the report prepared by the Economic and Social Commission for Western Asia on the economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan,[4]

1. *Reaffirms* the inalienable rights of the Palestinian people and the population of the occupied Syrian Golan over their natural resources, including land and water;

2. *Calls upon* Israel, the occupying Power, not to exploit, damage, cause loss or depletion of or endanger the natural resources in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan;

3. *Recognizes* the right of the Palestinian people to claim restitution as a result of any exploitation, damage, loss or depletion, or endangerment of their natural resources, and expresses the hope that this issue will be dealt with in the framework of the final status negotiations between the Palestinian and Israeli sides;

4. *Requests* the Secretary-General to report to it at its sixtieth session on the implementation of the present resolution, and decides to include in the agenda of its sixtieth session the item entitled "Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources".

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[3] See S/2003/529, annex.

[4] A/59/89-E/2004/21.